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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2681	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/716,212	SNYDER, THOMAS DAVID	
	Examiner	Art Unit	
	Pierre-Louis Desir	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *56-95* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *56-95* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 56-95 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the network in Elliott does not select a desired ring tone to send to the call recipient.

Applicant respectfully disagrees with applicant. Elliot discloses throughout the reference (paragraphs 57-58, for example) a method wherein a menu is presented on a display, which may include a message reading "would you like to listen to pre-set sound samples?" or "would you like to download sound samples?" And when the party specifies "yes", the controller of the terminal communicates with the network. The server then responds by causing the information to be copied from the data tables. Also, various filenames corresponding to pre-stored audio samples in the database 33 may be presented on the display 20 of the terminal. When the party selects a particular displayed filename, then the corresponding sound sample is retrieved from database 33. Thus, the party specifying "yes", represents a request for information from the server (as disclosed in paragraph 57). The server then responds by causing the requesting information to be copied to the terminal memory. Also, various file names are displayed on the terminal. And, from the displayed filenames, the user requests a desired filename to be played. The requested filename is retrieved from the database. Therefore, the network selects the requested filename, from various filenames, to be displayed on the terminal or to be copied to the terminal memory, wherein an audible alerting signal will be generated upon receipt of an incoming call (i.e., predetermined event) (see figs. 3-5, abstract, paragraphs 40, and 57-58).

Applicant also argues that Elliott does not disclose that the user terminal temporarily stores the received ring tone in a first partition of memory upon receipt, and then moves the ring tone to a second partition in memory based on the input of the receiving user. As described in the previous action, Elliott in combination with Deeds and Gargiulo were applied to cover this limitation.

Gargiulo discloses a method comprising partitioning memory in the wireless communications device into first (i.e., temporary RAM) (see page 8, paragraph 167) and second partitions (non-volatile RAM) (see page 9, paragraph 179), and temporarily storing the new selected complementary multi-media effect in the first partition (i.e., the file is stored into temporary random access memory) (see page 8, paragraph 167). Gargiulo discloses moving the new selected complementary multi-media effect from the first partition to the second partition if the user chooses to save the new selected complementary multi-media effect (i.e., the mobile station will save the media file (which was stored in the temporary RAM as stated in paragraph 167) to non-volatile RAM) (see page 9, paragraph 179).

Applicant further argues that neither Elliott nor Deeds teaches or suggests that the selected complementary multi-media effect is selected by the network and sent to/received by a wireless communication device along with an indicator of a predetermined event.

Examiner respectfully disagrees with Applicant, and refers Applicant to paragraph 69, for instance, wherein Elliott discloses that in response to the party P2 specifying that a call be placed to the recipient terminal 18a, the controller 18 forming a call signal that includes the telephone numbers of the respective terminals 18a, 18b and request information requesting the retrieval of acoustic information from the database 7, and 2 by causing the formed call signal to be

forwarded towards the terminal 18a by way of the system components 9, 8, and 17. Thereafter, the call signal is routed by the Internet 17 to the server 7', based on the request information included in the signal, and the server 7' then responds to the received signal by 1) correlating the telephone number of terminal 18b from the call signal to corresponding information in a memory location Y1-Yn of data table T1 within database 7, 2) correlating that memory location Y1-Yn to a corresponding memory location X1-X1 in the data table T1 of database 7, and 3) retrieving the acoustic information stored in that location X1-Xn. The server 7' then inserts the retrieved acoustic information into another predetermined field of the call signal, and, based on the telephone number of terminal 18a included in the signal, forwards the signal to the terminal 18a. Thus, the network selected acoustic information is received by terminal 18a along with the telephone call.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 56, 74, 77, and 80 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 56, 74, and 77 read the limitation "along with an **indication** of a predetermined event." The claims contain subject matter, which was not described in the specification.

Claim 80 reads the limitation "**re-sequencing the activation order** of the complementary multi-media effects." This limitation is not present in the specification, and is not described thereto.

Note: This rejection is also applied to any subsequent limitation, which includes the rejectable limitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 77-79, 89-94 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliott, Pub No. US 20020106074.

Regarding claim 77, Elliott discloses a method of selecting a complimentary multi-media effect for a wireless communications device (see abstract) comprising: selecting, by a wireless communications network, a complementary multi-media effect that is associated with a predetermined event that is to be sent to a wireless communications device from the wireless communications network (i.e., in response to the party P2 specifying that a call be placed to the recipient terminal 18a, the controller 18 forming a call signal that includes the telephone

numbers of the respective terminals 18a, 18b and request information requesting the retrieval of acoustic information from the database 7, and 2 by causing the formed call signal to be forwarded towards the terminal 18a by way of the system components 9, 8, and 17. Thereafter, the call signal is routed by the Internet 17 to the server 7', based on the request information included in the signal, and the server 7' then responds to the received signal by 1) correlating the telephone number of terminal 18b from the call signal to corresponding information in a memory location Y1-Yn of data table T1 within database 7, 2) correlating that memory location Y1-Yn to a corresponding memory location X1-X1 in the data table T1 of database 7, and 3) retrieving the acoustic information stored in that location X1-Xn. The server 7' then inserts the retrieved acoustic information into another predetermined field of the call signal, and, based on the telephone number of terminal 18a included in the signal, forwards the signal to the terminal 18a. Thus, the network selected acoustic information is received by terminal 18a along with the telephone call) (see page 9, paragraph 69); transmitting the selected complementary multi-media effect along with an indication of the predetermined event to the wireless communications device (see page 9, paragraph 69); and sending the predetermined event to the wireless communications device (see page 9, paragraph 69).

Regarding claim 78, Elliott discloses a method (see claim 77 rejection) wherein selecting a complementary multi-media effect comprises randomly selecting the complementary multi-media effect from a picklist of complementary multi-media effects stored at the wireless communications network (i.e., the multi-media effects which are initially stored in the database 33 (see paragraph 33), are transferred to the wireless communication device wherein the

selection of stored acoustic information can be made in a random manner) (see page 11, paragraph 85).

Regarding claim 79, Elliott discloses a method (see claim 77 rejection) wherein selecting a complementary multi-media effect comprises selecting the complementary multi-media effect from a picklist of complementary multi-media effects stored at the wireless communications network according to a predetermined activation order (see paragraph 84).

Regarding claim 89, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises an incoming call (see paragraphs 9 and 46).

Regarding claim 90, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises an alarm (i.e., sound that alerts or alarms of an incoming call) (see paragraphs 9 and 46).

Regarding claim 91, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises a text message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claim 92, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises an e-mail message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claim 93, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises a new voice message (i.e., incoming call or voice message or voice mail message) (see page 1, paragraph 9, and page 5, paragraph 46; and paragraph 98).

Regarding claim 94, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises a page (i.e., Elliott discloses that the user communication device

could be a pager, which would receive a page as event. Therefore, upon receipt of an event (i.e., page), a signal would alert the user) (see page 2, paragraph 19).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 56-57, 67-76, 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Gargiulo et al. (Gargiulo), Pub. No. US 20020087656.

Regarding claim 56, Elliott discloses a method of selecting a complementary multi-media effect for a wireless communications device (see abstract) comprising: receiving a complementary multi-media effect selected by a wireless communications network along with an indication of a predetermined event from the wireless communications network (see page 9, paragraph 69); rendering the complementary multi-media effect at the wireless communications device to notify the user of the predetermined event (see paragraphs 76 and 80).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method comprising temporarily storing the complementary multi-media effect received from the wireless communications network in a first partition of memory in the wireless communications device; and moving the selected complementary multi-media effect from the first partition to a

second partition of memory in the wireless communications device if the user chooses to save the selected complementary multi-media effect.

However, Gargiulo discloses a method comprising temporarily storing the new selected complementary multi-media effect in the first partition (i.e., a received file is stored into temporary random access memory) (see page 8, paragraph 167); and comprising moving the new selected complementary multi-media effect from the first partition to the second partition if the user chooses to save the new selected complementary multi-media effect (i.e., the mobile station will save the media file (which was stored in the temporary RAM as stated in paragraph 167) to non-volatile RAM) (see page 9, paragraph 179).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Gargiulo with the teachings of Elliott to arrive at the claimed invention. A motivation for doing so would have been to provide to the device a somewhat permanent storage area for the media file.

Regarding claim 57, Elliott discloses a method as described above (see claim 56 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method further comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect.

However, Gargiulo discloses a method further comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect (i.e., the media file is first stored in the temporary

random access memory, the user is then prompt via display on the mobile station. The user may discard the media, in which case the transaction would be terminated. Therefore, if the user discards the media, the data would be removed from the temporary RAM) (see pages 8-9, paragraph 167-168).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Gargiulo to arrive at the claimed invention. A motivation for doing so would have been to prevent the temporary memory from being full.

Regarding claim 67, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises an incoming call (see paragraphs 9 and 46).

Regarding claim 68, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises an alarm (i.e., sound that alerts or alarms of an incoming call) (see paragraphs 9 and 46).

Regarding claim 69, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises a text message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claim 70, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises an e-mail message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claim 71, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises a new voice message (i.e., incoming call or voice message or voice mail message) (see page 1, paragraph 9, and page 5, paragraph 46; and paragraph 98).

Regarding claim 72, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises a page (i.e., Elliott discloses that the user communication device could be a pager, which would receive a page as event. Therefore, upon receipt of an event (i.e., page), a signal would alert the user) (see page 2, paragraph 19).

Regarding claim 73, Elliott discloses a method as described above (see claim 56 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method comprising receiving a combination of at least two complementary multi-media effects selected by the wireless communications network along with the indication of the predetermined event from the wireless communications network.

However, Gargiulo discloses a method comprising wherein a picklist may be created comprising of a combination of at least two complementary multimedia effects (see page 8, paragraph 158).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliott with the teachings as described by Gargiulo to arrive at the claimed invention. A motivation for doing so would have been to provide different options as to which multimedia effect to utilize as an indication.

Regarding claim 74, Elliott discloses a wireless communications device (see abstract) comprising: a transceiver to receive a complementary multi-media effect selected by a wireless communications network along with an indication of a predetermined event from the wireless communications network (see fig. 2a, page 4, and paragraphs 37 and 69; a memory (see fig. 2a, page 4, paragraph 39); and a processor (see fig. 2a, page 4, paragraph 38) configured to: render

the complementary multi-media effect to notify a user of the wireless communications device of the predetermined event (see paragraphs 76 and 80).

Although Elliott discloses a device as described, Elliott does not specifically disclose a device comprising a memory, which is into a first partition and a second partition, and comprising temporarily storing the multi-media effect received from the network along with the indication of the predetermined event in the first partition of memory and moving the multi-media effect from the first partition to the second partition if the user of the wireless communications device chooses to save the multi-media effect.

However, Gargiulo discloses a device comprising a memory, which is partitioned into a first partition and a second partition (see paragraphs 167 and 179), and comprising temporarily storing the multi-media effect received from the network along with the indication of the predetermined event in the first partition of memory and moving the multi-media effect from the first partition to the second partition if the user of the wireless communications device chooses to save the multi-media effect (i.e., a received file is stored into temporary random access memory, and wherein the mobile station will save the media file (which was stored in the temporary RAM as stated in paragraph 167) to non-volatile RAM) (see paragraphs 167 and 179).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Gargiulo with the teachings of Elliott to arrive at the claimed invention. A motivation for doing so would have been to provide to the device a somewhat permanent storage area for the media file.

Regarding claim 75, Elliott discloses a device as described above (see claim 74 rejection).

Although Elliott discloses a method as described, the combination does not specifically disclose a device comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect.

However, Gargiulo discloses a device comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect (i.e., the media file is first stored in the temporary random access memory, the user is then prompt via display on the mobile station. The user may discard the media, in which case the transaction would be terminated. Therefore, if the user discards the media, the data would be removed from the temporary RAM) (see pages 8-9, paragraph 167-168).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Gargiulo to arrive at the claimed invention. A motivation for doing so would have been to prevent the temporary memory from being full.

Regarding claim 76, Elliott discloses a device (see claim 74 rejection) wherein the memory comprises a plug-in accessory that mates with a system interface connector on the wireless communication device (see figs. 2A and 2D).

Note: Applicant is respectfully requested to delete "(24)" from the claim.

Regarding claim 95, Elliott discloses a method (see claim 77 rejection) comprising transmitting selected complementary multi-media effect along with an indication of a predetermined event to the wireless communication device (see paragraph 69).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method comprising transmitting a combination of at least two complementary multi-media effects selected by the wireless communications network along with the indication of the predetermined event to the wireless communications device.

However, Gargiulo discloses a method comprising wherein a picklist may be created comprising of a combination of at least two complementary multimedia effects (see page 8, paragraph 158).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliott with the teachings as described by Gargiulo to arrive at the claimed invention. A motivation for doing so would have been to provide different options as to which multimedia effect to utilize as an indication.

8. Claims 58-62, 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott and Gargiulo in further view of Deeds Pub. No. US 20040204146.

Regarding claim 58, Elliott and Gargiulo disclose a method as described above (see claim 56 rejection).

Although the combination discloses a method wherein it would have been obvious to one of ordinary skill in the art that the terminal 18a can receive new incoming calls along with new audible signal, wherein each incoming call may be associated with an audible signal (also refer to paragraphs 69, 76 and 80), one may argue that the combination does not specifically disclose a method comprising receiving a new complementary multi-media effect selected by the wireless

communications network along with an indication of a new predetermined event from the wireless communication network.

However, Deed discloses a method wherein the ringing tone reproduced by the output reproduction device can change randomly (without user intervention) from one event to the next (see page 6, paragraph 50). Thus, from each received event, a new ringing tone will be reproduced.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings as disclosed by Deeds with the teachings of the combination to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper notification with each incoming event.

Regarding claim 59, Elliott discloses a method (see claim 58 rejection) wherein receiving a new selected complementary multimedia effect occurs on every n.sup.th predetermined event, wherein n is greater than 0 (i.e., an incoming call is received) (see paragraphs 34, 69, 76).

Regarding claim 60, Elliott discloses a method (see claim 59 rejection) wherein receiving a new selected complementary multi-media effect occurs at a predetermined time (i.e., an incoming call is received) (see paragraphs 34, 69, 76).

Regarding claim 61, Elliott and Gargiulo disclose a method (see claim 56 rejection) comprising creating one or more picklists, each picklist including one or more complementary multi-media effects (i.e., inputting, downloading or storing one or more sounds) (see figs. 3A-3C, page 6, and paragraph 52; also refer to paragraphs 43-58); and storing picklist at the wireless communication network (i.e., user-selected call alerting signals are stored in the database 33 of network 32) (see page 3, paragraph 33).

Although Elliott and Gargiulo disclose a method as described, the combination does not specifically disclose a method further comprising associating each picklist with a category of predetermined events.

However, Deeds disclose a method comprising associating each picklist with a category of predetermined events (see page 5, paragraphs 41-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Deeds with the teachings as described by the combination to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claim 62, Elliot discloses a method (see claim 61 rejection) wherein at least one of the one or more picklists comprises a list of audio files (i.e., list of audio samples) (see page 7, paragraph 58).

Regarding claim 65, Elliott discloses a method (see claim 61 rejection) wherein at least one of the one or more picklists comprises a list of images (i.e., MPEG-3 or moving image) (see page 13, paragraph 99).

Regarding claim 66, Elliott discloses a method (see claim 61 rejection) wherein at least one of the one or more picklists comprises a list of video sequences (i.e., MPEG-3) (see page 13, paragraph 99).

9. Claims 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott, Gargiulo, and Deeds, in further view of Stone et al. (Stone), U.S. Patent No. 5767778.

Regarding claim 63, the combination discloses a method as described above (see claim 61 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein at least one of the one or more picklists comprises a list of tactile function generator patterns.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of tactile function generator patterns (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination with the teachings as disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

Regarding claim 64, the combination discloses a method as described above (see claim 61 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein at least one of the one or more picklists comprises a list of lighting patterns.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of visual (light or display) alert generator (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination with the teachings as

disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

10. Claims 80-84, 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Deeds.

Regarding claim 80, Elliott discloses a method (see claim 77 rejection) comprising re-sequencing the activation order of the complementary multi-media effects (random selection of multi-media effects) (see paragraph 85), selecting, at the wireless communications network, a complementary multi-media effect that is associated with a predetermined event that is to be sent to the wireless communications device according to the re-sequenced activation order (see page 9, paragraph 69), and transmitting the selected complementary multimedia effect along with an indication of the predetermined event to the wireless communication device (see page 9, paragraph 69),.

Although Elliott discloses a method as described above, Elliott does not specifically disclose a method comprising selecting a new complementary multi-media effect along with a subsequent predetermined event.

However, Deed discloses a method wherein the ringing tone reproduced by the output reproduction device can change randomly (without user intervention) from one event to the next (see page 6, paragraph 50). Thus, from each received event, a new ringing tone will be reproduced.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings as disclosed by Deeds with the teachings of Elliott to arrive

at the claimed invention. A motivation for doing so would have been to ensure the proper notification with each incoming event.

Regarding claim 81, Elliott discloses a method (see claim 80 rejection) wherein receiving a new selected complementary multimedia effect occurs on every n.sup.th predetermined event, wherein n is greater than 0 (i.e., an incoming call is received) (see paragraphs 34, 69, 76).

Regarding claim 82, Elliott discloses a method (see claim 80 rejection) wherein receiving a new selected complementary multi-media effect occurs at a predetermined time (i.e., an incoming call is received) (see paragraphs 34, 69, 76).

Regarding claim 83, Elliott discloses a method (see claim 77 rejection) comprising creating one or more picklists, each picklist including one or more complementary multi-media effects (i.e., inputting, downloading or storing one or more sounds) (see figs. 3A-3C, page 6, and paragraph 52; also refer to paragraphs 43-58); and storing picklist at the wireless communication network (i.e., user-selected call alerting signals are stored in the database 33 of network 32) (see page 3, paragraph 33).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method further comprising associating each picklist with a category of predetermined events.

However, Deeds disclose a method comprising associating each picklist with a category of predetermined events (see page 5, paragraphs 41-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Deeds with the teachings as described Elliott to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claim 84, Elliot discloses a method (see claim 83 rejection) wherein at least one of the one or more picklists comprises a list of audio files (i.e., list of audio samples) (see page 7, paragraph 58).

Regarding claim 87, Elliott discloses a method (see claim 61 rejection) wherein at least one of the one or more picklists comprises a list of images (i.e., MPEG-3 or moving image) (see page 13, paragraph 99).

Regarding claim 88, Elliott discloses a method (see claim 83 rejection) wherein at least one of the one or more picklists comprises a list of video sequences (i.e., MPEG-3) (see page 13, paragraph 99).

11. Claims 85-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott and Deeds, in further view of Stone et al. (Stone), U.S. Patent No. 5767778.

Regarding claim 85, the combination discloses a method as described above (see claim 83 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein at least one of the one or more picklists comprises a list of tactile function generator patterns.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of tactile function generator patterns (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination with the teachings as

disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

Regarding claim 86, the combination discloses a method as described above (see claim 83 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein at least one of the one or more picklists comprises a list of lighting patterns.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of visual (light or display) alert generator (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination with the teachings as disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-779. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pierre-Louis Desir
AU 2681
01/16/2006

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER